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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/621,393	07/21/2000	Damian Porcari	199-1299	3533
28549	7590	06/02/2005	EXAMINER	
KEVIN G. MIERZWA ARTZ & ARTZ, P.C. 28333 TELEGRAPH ROAD, SUITE 250 SOUTHFIELD, MI 48034			RIMELL, SAMUEL G	
			ART UNIT	PAPER NUMBER
			2165	

DATE MAILED: 06/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/621,393

Applicant(s)

PORCARI, DAMIAN

Examiner

Sam Rimell

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-7, 9-12 and 16-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 7, 12, 16-20 is/are allowed.
- 6) ☒ Claim(s) 2-6 and 9-11 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.


SAM RIMELL
PRIMARY EXAMINER

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

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The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 2-6 and 9-11 are rejected under 35 U.S.C. 102(e) as being anticipated by Bartell et al. (U.S. Patent 5,625,767).

Claim 2: As described in FIG. 3 and col. 4, line 63 through col. 5, line 8, the system of Bartell et al. involves the establishment of a plurality of classes. As seen in FIG. 4, source documents (40) are provided and classified into each of the classes (46). This generates theme scores for each class, which are term frequency statistics (44) for each individual class. As further seen in FIG. 4, an unclassified document (204) is entered into the system. As described in col. 9, lines 1-16, and in particular, lines 13-16, a term in the document can initially be assigned a value equal to the frequency of a term in a class, referred to as “F(t,c)”. This can be a theme score for the document. The two theme scores will thus match during a portion of the process. The documents are classified into the various classes. Documents which are not classified (204) are considered misclassified by reason that they do not have the correct classification. The new documents (204) are assigned theme scores as described above.

Claim 3: See remarks for claim 2. The classification process for unclassified documents (204) includes a weighting process (steps 212-218) for specific terms in the document.

Claim 4: The document may be a news article (col. 4, line 51), and thus may inherently include a title.

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Claim 5: See remarks for claim 2. As seen in FIG. 3 and further described in col. 5, lines 1-9, the classification system includes classes and subclasses.

Claim 6: Col. 5, lines 34-41 outline the process of defining documents in classes and subclasses. Documents from a class can also be placed in a subclass, and thus define related documents in the subclass.

Claim 9: See remarks for claim 2.

Claim 10: See remarks for claim 3.

Claim 11: See remarks for claim 4.

Claims 7, 12 and 16-20 are allowed.

Remarks

Claims 2, 3, 5, 7, 9, 10, 12 and 16 have been rewritten in independent form. Claims 7, 12 and 16 were previously indicated as containing allowable subject matter. Accordingly, claims 7, 12 and 16 are now allowed, along with claims 17-20 which now depend from claim 16.

Claims 2, 3, 5, 9 and 10 have been rewritten in independent form, but were previously rejected. Claims 2, 5 and 9 were re-written in independent form without additional modification, so there is essentially no change to the scope of these claims, and the rejection has been repeated. Claims 3 and 10 have been re-written in independent form with additional language calling for the predetermined section to comprise a plurality of words. The predetermined sections are the selected words which are selected in steps 210-222 in FIG. 9. As seen by steps 210 and 222, multiple words can be invoked.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication should be directed to Sam Rimell at telephone number (703) 306-5626.



Sam Rimell
Primary Examiner
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